

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 1047**

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**Introduced by Assembly Member Linder**

February 22, 2013

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An act to amend ~~Section 21655.5 of~~ Sections 12505, 12804.9, 15210, 15250, and 15302 of, and to add Section 15309.5 to, the Vehicle Code, relating to ~~vehicles~~ commercial driver's licenses.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1047, as amended, Linder. ~~Vehicles: high-occupancy vehicle lanes.~~ Commercial driver's licenses.

*Existing law prohibits a person from operating a commercial motor vehicle, as defined, unless the person possesses a valid commercial driver's license of the appropriate class issued by the Department of Motor Vehicles (DMV), except as specified. Existing law imposes certain examination requirements, including a driving test, on driver's license applicants, including commercial driver's license applicants, and specifies the types of vehicles that are in each driver's license class. Existing law also specifies the conditions under which a nonresident who is not licensed in the state may drive in the state, and requires a person to obtain a license from the DMV before being employed as a commercial driver, as specified.*

*This bill would authorize the DMV to impose a fee on a commercial driver's license applicant, if a driving test is administered to an applicant who is to be licensed in another state pursuant to federal law, that does not exceed the reasonable cost of conducting the tests and reporting the results to the driver's state of record. The bill would delete the requirement that a commercial driver obtain a license from the*

*DMV if the person is in possession of a valid commercial learner's permit or commercial driver's license issued by any state or foreign jurisdiction that meets federal licensing standards. The bill would, among other things, revise the definitions of commercial motor vehicle and tank vehicle for purposes of commercial motor vehicle safety requirements, and would revise the categories of vehicles that are within each license class.*

*Existing law prohibits a driver from operating a commercial motor vehicle for a period of 60 days if the department determines, after a hearing, that the person falsified information on his or her application for a driver's license in violation of federal law. Existing law further imposes a lifetime disqualification for a driver of commercial motor vehicles if he or she is convicted of more than one violation of certain provisions, including driving under the influence of alcohol or drugs.*

*This bill would authorize the DMV to reinstate a driver, except as specified, with a lifetime disqualification after 10 years if that person has voluntarily entered and successfully completed an appropriate rehabilitation program, as specified, but prohibits a person who has been reinstated and who is subsequently convicted of a disqualifying offense from being reinstated. The bill would also make it unlawful for a person to engage in certain acts, including selling or using a crib sheet, as defined, that contains answers to any examination administered by the DMV for a commercial driver's license or permit, and would make a violation of this provision punishable as either an infraction or a misdemeanor. By creating a new crime, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~Existing law authorizes the Department of Transportation and local authorities to establish exclusive or preferential use of highway lanes for high-occupancy vehicles.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     **SECTION 1.** *Section 12505 of the Vehicle Code is amended to*  
2 *read:*

3     12505. (a) (1) For purposes of this division only and  
4 notwithstanding Section 516, residency shall be determined as a  
5 person's state of domicile. "State of domicile" means the state  
6 where a person has his or her true, fixed, and permanent home and  
7 principal residence and to which he or she has manifested the  
8 intention of returning whenever he or she is absent.

9     Prima facie evidence of residency for driver's licensing purposes  
10 includes, but is not limited to, the following:

11     (A) Address where registered to vote.

12     (B) Payment of resident tuition at a public institution of higher  
13 education.

14     (C) Filing a homeowner's property tax exemption.

15     (D) Other acts, occurrences, or events that indicate presence in  
16 the state is more than temporary or transient.

17     (2) California residency is required of a person in order to be  
18 issued a commercial driver's license under this code.

19     (b) The presumption of residency in this state may be rebutted  
20 by satisfactory evidence that the licensee's primary residence is  
21 in another state.

22     (c) Any person entitled to an exemption under Section 12502,  
23 12503, or 12504 may operate a motor vehicle in this state for not  
24 to exceed 10 days from the date he or she establishes residence in  
25 this state, ~~except that he or she shall obtain a license from the~~  
26 ~~department upon becoming a resident before being employed for~~  
27 ~~compensation by another for the purpose of driving a motor vehicle~~  
28 ~~on the highways.~~

29     (d) If the State of California is decertified by the federal  
30 government and prohibited from issuing an initial, renewal, or  
31 upgraded commercial driver's license pursuant to Section 384.405  
32 of Title 49 of the Code of Federal Regulations, the following  
33 applies:

34     (1) An existing commercial driver's license issued pursuant to  
35 this code prior to the date that the state is notified of its  
36 decertification shall remain valid until its expiration date.

37     (2) A person who is a resident of this state may obtain a  
38 ~~nonresident~~ *nondomiciled commercial learner's permit or*

1 commercial driver's license from any state that elects to issue a  
2 ~~nonresident~~ *nondomiciled commercial learner's permit or*  
3 commercial driver's license and that complies with the testing and  
4 licensing standards contained in subparts F, G, and H of Part 383  
5 of Title 49 of the Code of Federal Regulations.

6 (3) For the purposes of this subdivision, a ~~nonresident~~  
7 *nondomiciled commercial learner's permit or commercial driver's*  
8 license is a *commercial learner's permit or commercial driver's*  
9 license issued by a state to an individual domiciled in a foreign  
10 country or in another state.

11 (e) *The department may issue a nondomiciled commercial*  
12 *learner's permit or nondomiciled commercial driver's license to*  
13 *a person who is domiciled in a state or jurisdiction that has been*  
14 *decertified by the federal government or not determined to be in*  
15 *compliance with the testing and licensing standards contained in*  
16 *subparts F, G, and H of Part 383 of Title 49 of the Code of Federal*  
17 *Regulations.*

18 (e)

19 (f) Subject to Section 12504, a person over the age of 16 years  
20 who is a resident of a foreign jurisdiction other than a state,  
21 territory, or possession of the United States, the District of  
22 Columbia, the Commonwealth of Puerto Rico, or Canada, having  
23 a valid driver's license issued to him or her by any other foreign  
24 jurisdiction ~~having licensing standards deemed by the Department~~  
25 ~~of Motor Vehicles equivalent to those of this state,~~ may operate a  
26 motor vehicle in this state without obtaining a license from the  
27 department, ~~except that he or she shall obtain a license before being~~  
28 ~~employed for compensation by another for the purpose of driving~~  
29 ~~a motor vehicle on the highways unless the department determines~~  
30 ~~that the foreign jurisdiction does not meet the licensing standards~~  
31 ~~imposed by this code.~~

32 (g) *A person who is 18 years of age or older and in possession*  
33 *of a valid commercial learner's permit or commercial driver's*  
34 *license issued by any state, territory, or possession of the United*  
35 *States, the District of Columbia, the Commonwealth of Puerto*  
36 *Rico, or a foreign jurisdiction that meets the licensing standards*  
37 *contained in subparts F, G, and H of Part 383 of Title 49 of the*  
38 *Code of Federal Regulations shall be granted reciprocity to*  
39 *operate vehicles of the appropriate class on the highways of this*  
40 *state.*

1     ~~(f)~~

2     ~~(h) Any person from a foreign country, except a territory or~~  
3 ~~possession of the United States, the Commonwealth of Puerto~~  
4 ~~Rico, or Canada, jurisdiction that does not meet the licensing~~  
5 ~~standards contained in subparts F, G, and H of Part 383 of Title~~  
6 ~~49 of the Code of Federal Regulations shall obtain a class A or a~~  
7 ~~class B commercial learner's permit or commercial driver's license~~  
8 ~~from the department before operating on the highways a motor~~  
9 ~~vehicle for which a class A or class B commercial driver's license~~  
10 ~~is required, as described in Section 12804.9. The medical~~  
11 ~~examination form required for issuance of a class A or class B~~  
12 ~~commercial driver's license shall be completed by a health care~~  
13 ~~professional, as defined in paragraph (2) of subdivision (a) of~~  
14 ~~Section 12804.9, who is licensed, certified, or registered to perform~~  
15 ~~physical examinations in the United States of America. This~~  
16 ~~subdivision does not apply to (1) drivers of schoolbuses operated~~  
17 ~~in California on a trip for educational purposes or (2) drivers of~~  
18 ~~vehicles used to provide the services of a local public agency.~~

19     ~~(g)~~

20     ~~(i) This section does not authorize the employment of a person~~  
21 ~~in violation of Section 12515.~~

22     ~~(h) This section shall become operative on September 20, 2005.~~

23     ~~SEC. 2. Section 12804.9 of the Vehicle Code is amended to~~  
24 ~~read:~~

25     12804.9. (a) (1) The examination shall include all of the  
26 following:

27     (A) A test of the applicant's knowledge and understanding of  
28 the provisions of this code governing the operation of vehicles  
29 upon the highways.

30     (B) A test of the applicant's ability to read and understand  
31 simple English used in highway traffic and directional signs.

32     (C) A test of the applicant's understanding of traffic signs and  
33 signals, including the bikeway signs, markers, and traffic control  
34 devices established by the Department of Transportation.

35     (D) An actual demonstration of the applicant's ability to exercise  
36 ordinary and reasonable control in operating a motor vehicle by  
37 driving it under the supervision of an examining officer. The  
38 applicant shall submit to an examination appropriate to the type  
39 of motor vehicle or combination of vehicles he or she desires a  
40 license to drive, except that the department may waive the driving

1 test part of the examination for any applicant who submits a license  
2 issued by another state, territory, or possession of the United States,  
3 the District of Columbia, or the Commonwealth of Puerto Rico if  
4 the department verifies through any acknowledged national driver  
5 record data source that there are no stops, holds, or other  
6 impediments to its issuance. The examining officer may request  
7 to see evidence of financial responsibility for the vehicle prior to  
8 supervising the demonstration of the applicant's ability to operate  
9 the vehicle. The examining officer may refuse to examine an  
10 applicant who is unable to provide proof of financial responsibility  
11 for the vehicle, unless proof of financial responsibility is not  
12 required by this code.

13 (E) A test of the hearing and eyesight of the applicant, and of  
14 other matters that may be necessary to determine the applicant's  
15 mental and physical fitness to operate a motor vehicle upon the  
16 highways, and whether any grounds exist for refusal of a license  
17 under this code.

18 (2) (A) Before a class A or class B driver's license, or class C  
19 driver's license with a commercial endorsement, may be issued  
20 or renewed, the applicant shall have in his or her driver record a  
21 valid report of a medical examination of the applicant given not  
22 more than two years prior to the date of the application by a health  
23 care professional. As used in this paragraph, "health care  
24 professional" means a person who is licensed, certified, or  
25 registered in accordance with applicable state laws and regulations  
26 to practice medicine and perform physical examinations in the  
27 United States. Health care professionals are doctors of medicine,  
28 doctors of osteopathy, physician assistants, and registered advanced  
29 practice nurses, or doctors of chiropractic who are clinically  
30 competent to perform the medical examination presently required  
31 of motor carrier drivers by the United States Department of  
32 Transportation. The report shall be on a form approved by the  
33 department. In establishing the requirements, consideration may  
34 be given to the standards presently required of motor carrier drivers  
35 by the Federal Motor Carrier Safety Administration.

36 (B) The department may accept a federal waiver of one or more  
37 physical qualification standards if the waiver is accompanied by  
38 a report of a nonqualifying medical examination for a class A or  
39 class B driver's license, or class C driver's license with a  
40 commercial endorsement, pursuant to Section 391.41(a)(3)(ii) of

1 Subpart E of Part 391 of Title 49 of the Code of Federal  
2 Regulations.

3 (3) A physical defect of the applicant that, in the opinion of the  
4 department, is compensated for to ensure safe driving ability, shall  
5 not prevent the issuance of a license to the applicant.

6 (b) In accordance with the following classifications, an applicant  
7 for a driver's license shall be required to submit to an examination  
8 appropriate to the type of motor vehicle or combination of vehicles  
9 the applicant desires a license to drive:

10 (1) Class A includes the following:

11 (A) Except as provided in subparagraph (H) of paragraph (3),  
12 a combination of vehicles, if a vehicle being towed has a gross  
13 vehicle weight rating *or gross vehicle weight* of more than 10,000  
14 pounds.

15 (B) A vehicle towing more than one vehicle.

16 (C) A trailer bus.

17 (D) The operation of all vehicles under class B and class C.

18 (2) Class B includes the following:

19 (A) Except as provided in subparagraph (H) of paragraph (3),  
20 a single vehicle with a gross vehicle weight rating *or gross vehicle*  
21 *weight* of more than 26,000 pounds.

22 (B) A single vehicle with three or more axles, except any  
23 three-axle vehicle weighing less than 6,000 pounds.

24 (C) A bus *with a gross vehicle weight rating or gross vehicle*  
25 *weight of more than 26,000 pounds*, except a trailer bus.

26 (D) A farm labor vehicle.

27 (E) A single vehicle with three or more axles or a gross vehicle  
28 weight rating *or gross vehicle weight* of more than 26,000 pounds  
29 towing another vehicle with a gross vehicle weight rating *or gross*  
30 *vehicle weight* of 10,000 pounds or less.

31 (F) A house car over 40 feet in length, excluding safety devices  
32 and safety bumpers.

33 (G) The operation of all vehicles covered under class C.

34 (3) Class C includes the following:

35 (A) A two-axle vehicle with a gross vehicle weight rating *or*  
36 *gross vehicle weight* of 26,000 pounds or less, including when the  
37 vehicle is towing a trailer or semitrailer with a gross vehicle weight  
38 rating *or gross vehicle weight* of 10,000 pounds or less.

1 (B) Notwithstanding subparagraph (A), a two-axle vehicle  
2 weighing 4,000 pounds or more unladen when towing a trailer  
3 coach not exceeding 9,000 pounds gross.

4 (C) A house car of 40 feet in length or less.

5 (D) A three-axle vehicle weighing 6,000 pounds gross or less.

6 (E) A house car of 40 feet in length or less or a vehicle towing  
7 another vehicle with a gross vehicle weight rating of 10,000 pounds  
8 or less, including when a tow dolly is used. A person driving a  
9 vehicle may not tow another vehicle in violation of Section 21715.

10 (F) (i) A two-axle vehicle weighing 4,000 pounds or more  
11 unladen when towing either a trailer coach or a fifth-wheel travel  
12 trailer not exceeding 10,000 pounds gross vehicle weight rating,  
13 when the towing of the trailer is not for compensation.

14 (ii) A two-axle vehicle weighing 4,000 pounds or more unladen  
15 when towing a fifth-wheel travel trailer exceeding 10,000 pounds,  
16 but not exceeding 15,000 pounds, gross vehicle weight rating,  
17 when the towing of the trailer is not for compensation, and if the  
18 person has passed a specialized written examination provided by  
19 the department relating to the knowledge of this code and other  
20 safety aspects governing the towing of recreational vehicles upon  
21 the highway.

22 The authority to operate combinations of vehicles under this  
23 subparagraph may be granted by endorsement on a class C license  
24 upon completion of that written examination.

25 (G) A vehicle or combination of vehicles with a gross  
26 combination weight rating or a gross vehicle weight rating, as  
27 those terms are defined in subdivisions (j) and (k), respectively,  
28 of Section 15210, of 26,000 pounds or less, if all of the following  
29 conditions are met:

30 (i) Is operated by a farmer, an employee of a farmer, or an  
31 instructor credentialed in agriculture as part of an instructional  
32 program in agriculture at the high school, community college, or  
33 university level.

34 (ii) Is used exclusively in the conduct of agricultural operations.

35 (iii) Is not used in the capacity of a for-hire carrier or for  
36 compensation.

37 (H) Firefighting equipment, provided that the equipment is  
38 operated by a person who holds a firefighter endorsement pursuant  
39 to Section 12804.11.

40 (I) A motorized scooter.



1     (J) *A bus with a gross vehicle weight rating or gross vehicle*  
2 *weight of 26,000 pounds or less, except a trailer bus.*

3     ~~(J)~~

4     (K) Class C does not include a two-wheel motorcycle or a  
5 two-wheel motor-driven cycle.

6     (4) Class M1. A two-wheel motorcycle or a motor-driven cycle.  
7 Authority to operate a vehicle included in a class M1 license may  
8 be granted by endorsement on a class A, B, or C license upon  
9 completion of an appropriate examination.

10    (5) (A) Class M2 includes the following:

11       (i) A motorized bicycle or moped, or a bicycle with an attached  
12 motor, except a motorized bicycle described in subdivision (b) of  
13 Section 406.

14       (ii) A motorized scooter.

15    (B) Authority to operate vehicles included in class M2 may be  
16 granted by endorsement on a class A, B, or C license upon  
17 completion of an appropriate examination, except that no  
18 endorsement is required for a motorized scooter. Persons holding  
19 a class M1 license or endorsement may operate vehicles included  
20 in class M2 without further examination.

21    (c) A driver's license or driver certificate is not valid for  
22 operating a commercial motor vehicle, as defined in subdivision  
23 (b) of Section 15210, any other motor vehicle defined in paragraph  
24 (1) or (2) of subdivision (b), or any other vehicle requiring a driver  
25 to hold any driver certificate or any driver's license endorsement  
26 under Section 15275, unless a medical certificate approved by the  
27 department that has been issued within two years of the date of  
28 the operation of that vehicle and a copy of the medical examination  
29 report from which the certificate was issued is on file with the  
30 department. Otherwise, the license is valid only for operating class  
31 C vehicles that are not commercial vehicles, as defined in  
32 subdivision (b) of Section 15210, and for operating class M1 or  
33 M2 vehicles, if so endorsed, that are not commercial vehicles, as  
34 defined in subdivision (b) of Section 15210.

35    (d) A license or driver certificate issued prior to the enactment  
36 of Chapter 7 (commencing with Section 15200) is valid to operate  
37 the class or type of vehicles specified under the law in existence  
38 prior to that enactment until the license or certificate expires or is  
39 otherwise suspended, revoked, or canceled. Upon application for  
40 renewal or replacement of a driver's license, endorsement, or

1 certificate required to operate a commercial motor vehicle, a valid  
2 medical certificate on a form approved by the department shall be  
3 submitted to the department.

4 (e) The department may accept a certificate of driving skill that  
5 is issued by an employer, authorized by the department to issue a  
6 certificate under Section 15250, of the applicant, in lieu of a driving  
7 test, on class A or B applications, if the applicant has first qualified  
8 for a class C license and has met the other examination  
9 requirements for the license for which he or she is applying. The  
10 certificate may be submitted as evidence of the applicant's skill  
11 in the operation of the types of equipment covered by the license  
12 for which he or she is applying.

13 (f) The department may accept a certificate of competence in  
14 lieu of a driving test on class M1 or M2 applications, when the  
15 certificate is issued by a law enforcement agency for its officers  
16 who operate class M1 or M2 vehicles in their duties, if the applicant  
17 has met the other examination requirements for the license for  
18 which he or she is applying.

19 (g) The department may accept a certificate of satisfactory  
20 completion of a novice motorcyclist training program approved  
21 by the commissioner pursuant to Section 2932 in lieu of a driving  
22 test on class M1 or M2 applications, if the applicant has met the  
23 other examination requirements for the license for which he or she  
24 is applying. The department shall review and approve the written  
25 and driving test used by a program to determine whether the  
26 program may issue a certificate of completion.

27 (h) Notwithstanding subdivision (b), a person holding a valid  
28 California driver's license of any class may operate a short-term  
29 rental motorized bicycle without taking any special examination  
30 for the operation of a motorized bicycle, and without having a  
31 class M2 endorsement on that license. As used in this subdivision,  
32 "short-term" means 48 hours or less.

33 (i) A person under the age of 21 years shall not be issued a class  
34 M1 or M2 license or endorsement unless he or she provides  
35 evidence satisfactory to the department of completion of a  
36 motorcycle safety training program that is operated pursuant to  
37 Article 2 (commencing with Section 2930) of Chapter 5 of Division  
38 2.

39 (j) A driver of a vanpool vehicle may operate with a class C  
40 license but shall possess evidence of a medical examination

1 required for a class B license when operating vanpool vehicles. In  
2 order to be eligible to drive the vanpool vehicle, the driver shall  
3 keep in the vanpool vehicle a statement, signed under penalty of  
4 perjury, that he or she has not been convicted of reckless driving,  
5 drunk driving, or a hit-and-run offense in the last five years.

6 *SEC. 3. Section 15210 of the Vehicle Code is amended to read:*

7 15210. Notwithstanding any other provision of this code, as  
8 used in this chapter, the following terms have the following  
9 meanings:

10 (a) “Commercial driver’s license” means a driver’s license  
11 issued by a state or other jurisdiction, in accordance with the  
12 standards contained in Part 383 of Title 49 of the Code of Federal  
13 Regulations, which authorizes the licenseholder to operate a class  
14 or type of commercial motor vehicle.

15 (b) (1) “Commercial motor vehicle” means any vehicle or  
16 combination of vehicles that requires a class A or class B license,  
17 or a class C license with an endorsement issued pursuant to  
18 paragraph (2), (3), (4), or (5) of subdivision (a) of Section 15278.

19 (2) “Commercial motor vehicle” does not include any of the  
20 following:

21 (A) A recreational vehicle, as defined in Section 18010 of the  
22 Health and Safety Code.

23 (B) An implement of husbandry operated by a person who is  
24 not required to obtain a driver’s license under this code.

25 (C) Vehicles operated by persons exempted pursuant to Section  
26 25163 of the Health and Safety Code or a vehicle operated in an  
27 emergency situation at the direction of a peace officer pursuant to  
28 Section 2800.

29 (c) “Controlled substance” has the same meaning as defined by  
30 the federal Controlled Substances Act (21 U.S.C. Sec. 802).

31 (d) “Conviction” means an unvacated adjudication of guilt, or  
32 a determination that a person has violated or failed to comply with  
33 the law in a court of original jurisdiction or by an authorized  
34 administrative tribunal, an unvacated forfeiture of bail or collateral  
35 deposited to secure the person’s appearance in court, a plea of  
36 guilty or nolo contendere accepted by the court, the payment of a  
37 fine or court costs, or violation of a condition of release without  
38 bail, regardless of whether or not the penalty is rebated, suspended,  
39 or probated.

1 (e) “Disqualification” means a prohibition against driving a  
2 commercial motor vehicle.

3 (f) “Driving a commercial vehicle under the influence” means  
4 committing any one or more of the following unlawful acts in a  
5 commercial motor vehicle:

6 (1) Driving a commercial motor vehicle while the operator’s  
7 blood-alcohol concentration level is 0.04 percent or more, by  
8 weight in violation of subdivision (d) of Section 23152.

9 (2) Driving under the influence of alcohol, as prescribed in  
10 subdivision (a) or (b) of Section 23152.

11 (3) Refusal to undergo testing as required under this code in the  
12 enforcement of Subpart D of Part 383 or Subpart A of Part 392 of  
13 Title 49 of the Code of Federal Regulations.

14 (g) “Employer” means any person, including the United States,  
15 a state, or political subdivision of a state, who owns or leases a  
16 commercial motor vehicle or assigns drivers to operate that vehicle.  
17 A person who employs himself or herself as a commercial vehicle  
18 driver is considered to be both an employer and a driver for  
19 purposes of this chapter.

20 (h) “Fatality” means the death of a person as a result of a motor  
21 vehicle accident.

22 (i) “Felony” means an offense under state or federal law that is  
23 punishable by death or imprisonment for a term exceeding one  
24 year.

25 (j) “Gross combination weight rating” means the value specified  
26 by the manufacturer as the maximum loaded weight of a  
27 combination or articulated vehicle. In the absence of a value  
28 specified by the manufacturer, gross vehicle weight rating will be  
29 determined by adding the gross vehicle weight rating of the power  
30 unit and the total weight of the towed units and any load thereon.

31 (k) “Gross vehicle weight rating” means the value specified by  
32 the manufacturer as the maximum loaded weight of a single  
33 vehicle, as defined in Section 390.

34 (l) “Imminent hazard” means the existence of a condition that  
35 presents a substantial likelihood that death, serious illness, severe  
36 personal injury, or substantial endangerment to health, property,  
37 or the environment may occur before the reasonable foreseeable  
38 completion date of a formal proceeding begun to lessen the risk  
39 of death, illness, injury, or endangerment.

1 (m) “Noncommercial motor vehicle” means a motor vehicle or  
2 combination of motor vehicles that is not included within the  
3 definition in subdivision (b).

4 (n) “Nonresident commercial driver’s license” means a  
5 commercial driver’s license issued to an individual by a state under  
6 one of the following provisions:

7 (1) The individual is domiciled in a foreign country.

8 (2) The individual is domiciled in another state.

9 (o) “Schoolbus” is a commercial motor vehicle, as defined in  
10 Section 545.

11 (p) “Serious traffic violation” includes any of the following:

12 (1) Excessive speeding, as defined pursuant to the federal  
13 Commercial Motor Vehicle Safety Act (P.L. 99-570) involving  
14 any single offense for any speed of 15 miles an hour or more above  
15 the posted speed limit.

16 (2) Reckless driving, as defined pursuant to the federal  
17 Commercial Motor Vehicle Safety Act (P.L. 99-570), and driving  
18 in the manner described under Section 2800.1, 2800.2, or 2800.3,  
19 including, but not limited to, the offense of driving a commercial  
20 motor vehicle in willful or wanton disregard for the safety of  
21 persons or property.

22 (3) A violation of a state or local law involving the safe  
23 operation of a motor vehicle, arising in connection with a fatal  
24 traffic accident.

25 (4) A similar violation of a state or local law involving the safe  
26 operation of a motor vehicle, as defined pursuant to the  
27 Commercial Motor Vehicle Safety Act (Title XII of P.L. 99-570).

28 (5) Driving a commercial motor vehicle without a commercial  
29 driver’s license.

30 (6) Driving a commercial motor vehicle without the driver  
31 having in his or her possession a commercial driver’s license,  
32 unless the driver provides proof at the subsequent court appearance  
33 that he or she held a valid commercial driver’s license on the date  
34 of the violation.

35 (7) Driving a commercial motor vehicle when the driver has  
36 not met the minimum testing standards for that vehicle as to the  
37 class or type of cargo the vehicle is carrying.

38 (8) Driving a commercial motor vehicle while using an  
39 electronic wireless communication device to write, send, or read  
40 a text-based communication, as defined in Section 23123.5.

1 In the absence of a federal definition, existing definitions under  
2 this code shall apply.

3 (q) “State” means a state of the United States or the District of  
4 Columbia.

5 (r) “Tank vehicle” means a commercial motor vehicle that is  
6 designed to transport any liquid or gaseous material within a tank  
7 *or tanks having an individual rated capacity of at least 1,000*  
8 *gallons* that is permanently or temporarily attached to the vehicle  
9 or the chassis, including, but not limited to, cargo tanks and  
10 portable tanks, as defined in Part 171 of Title 49 of the Code of  
11 Federal Regulations. ~~This definition does not include portable~~  
12 ~~tanks having a rated capacity under 1,000 gallons. A commercial~~  
13 ~~motor vehicle transporting an empty storage container tank not~~  
14 ~~designed for transportation, with a rated capacity of at least 1,000~~  
15 ~~gallons that is temporarily attached to a flatbed trailer, is not a~~  
16 ~~tank vehicle.~~

17 SEC. 4. Section 15250 of the Vehicle Code is amended to read:

18 15250. (a) (1) A person shall not operate a commercial motor  
19 vehicle unless that person has in his or her immediate possession  
20 a valid commercial driver’s license of the appropriate class.

21 (2) A person shall not operate a commercial motor vehicle while  
22 transporting hazardous materials unless that person has in his or  
23 her possession a valid commercial driver’s license with a hazardous  
24 materials endorsement. An instruction permit does not authorize  
25 the operation of a vehicle transporting hazardous materials.

26 (b) (1) Before an application for an original or renewal of a  
27 commercial driver’s license with a hazardous materials  
28 endorsement is submitted to the United States Transportation  
29 Security Administration for the processing of a security threat  
30 assessment, as required under Part 1572 of Title 49 of the Code  
31 of Federal Regulations, the department shall complete a check of  
32 the applicant’s driving record to ensure that the person is not  
33 subject to a disqualification under Part 383.51 of Title 49 of the  
34 Code of Federal Regulations.

35 (2) (A) A person shall not be issued a commercial driver’s  
36 license until he or she has passed a written and driving test for the  
37 operation of a commercial motor vehicle that complies with the  
38 minimum federal standards established by the federal Commercial  
39 Motor Vehicle Safety Act of 1986 (Public Law 99-570) and Part  
40 383 of Title 49 of the Code of Federal Regulations, and has

1 satisfied all other requirements of that act as well as any other  
2 requirements imposed by this code.

3 (B) The driving skills test as specified in Section 383.113 of  
4 Title 49 of the Code of Federal Regulations may be waived for a  
5 commercial motor vehicle driver with military commercial motor  
6 vehicle experience who is currently licensed with the United States  
7 Armed Forces at the time of his or her application for a commercial  
8 driver's license, and whose driving record in combination with his  
9 or her driving experience meets, at a minimum, the conditions  
10 required by Section 383.77(a) and (b) of Title 49 of the Code of  
11 Federal Regulations.

12 (c) The tests shall be prescribed and conducted by or under the  
13 direction of the department. The department may allow a  
14 third-party tester to administer the driving test part of the  
15 examination required under this section and Section 15275 if all  
16 of the following conditions are met:

17 (1) The tests given by the third party are the same as those that  
18 would otherwise be given by the department.

19 (2) The third party has an agreement with the department that  
20 includes, but is not limited to, the following provisions:

21 (A) Authorization for the United States Secretary of  
22 Transportation, or his or her representative, and the department,  
23 or its representative, to conduct random examinations, inspections,  
24 and audits without prior notice.

25 (B) Permission for the department, or its representative, to  
26 conduct onsite inspections at least annually.

27 (C) A requirement that all third-party testers meet the same  
28 qualification and training standards as the department's examiners,  
29 to the extent necessary to conduct the driving skill tests in  
30 compliance with the requirements of Part 383 of Title 49 of the  
31 Code of Federal Regulations.

32 (D) The department may cancel, suspend, or revoke the  
33 agreement with a third-party tester if the third-party tester fails to  
34 comply with the standards for the commercial driver's license  
35 testing program, or with any other term of the third-party  
36 agreement, upon 15 days' prior written notice of the action to  
37 cancel, suspend, or revoke the agreement by the department to the  
38 third party. Any action to appeal or review any order of the  
39 department canceling, suspending, or revoking a third-party testing  
40 agreement shall be brought in a court of competent jurisdiction

1 under Section 1085 of the Code of Civil Procedure, or as otherwise  
2 permitted by the laws of this state. The action shall be commenced  
3 within 90 days from the effective date of the order.

4 (E) Any third-party tester whose agreement has been canceled  
5 pursuant to subparagraph (D) may immediately apply for a  
6 third-party testing agreement.

7 (F) A suspension of a third-party testing agreement pursuant to  
8 subparagraph (D) shall be for a term of less than 12 months as  
9 determined by the department. After the period of suspension, the  
10 agreement shall be reinstated upon request of the third-party tester.

11 (G) A revocation of a third-party testing agreement pursuant to  
12 subparagraph (D) shall be for a term of not less than one year. A  
13 third-party tester may apply for a new third-party testing agreement  
14 after the period of revocation and upon submission of proof of  
15 correction of the circumstances causing the revocation.

16 (H) Authorization for the department to charge the third-party  
17 tester a fee, as determined by the department, that is sufficient to  
18 defray the actual costs incurred by the department for administering  
19 and evaluating the third-party testing program, and for carrying  
20 out any other activities deemed necessary by the department to  
21 ensure sufficient training for the drivers participating in the  
22 program.

23 (3) Except as provided in Section 15250.3, the tests given by  
24 the third party shall not be accepted in lieu of tests prescribed and  
25 conducted by the department for applicants for a passenger vehicle  
26 endorsement specified in paragraph (2) of subdivision (a) of  
27 Section 15278, if the applicant operates or will operate a tour bus.

28 (d) Commercial driver's license applicants who take and pass  
29 driving tests administered by a third party shall provide the  
30 department with certificates of driving skill satisfactory to the  
31 department that the applicant has successfully passed the driving  
32 tests administered by the third party.

33 *(e) If a driving test is administered to a commercial driver's*  
34 *license applicant who is to be licensed in another state pursuant*  
35 *to Section 383.79 of Subpart E of Part 383 of Title 49 of the Code*  
36 *of Federal Regulations, the department may impose a fee on the*  
37 *applicant that does not exceed the reasonable cost of conducting*  
38 *the tests and reporting the results to the driver's state of record.*

39 (e)



1 (f) Implementation dates for the issuance of a commercial  
2 driver's license pursuant to this chapter may be established by the  
3 department as it determines is necessary to accomplish an orderly  
4 commercial driver's license program.

5 ~~(f)~~

6 (g) Active duty members of the United States Armed Forces,  
7 members of the military reserves, members of the National Guard  
8 who are on active duty, including personnel on full-time National  
9 Guard duty, personnel on part-time National Guard training, and  
10 National Guard military technicians (civilians who are required to  
11 wear military uniforms), and active duty personnel of the United  
12 States Coast Guard are exempt from all commercial driver's license  
13 requirements and sanctions, as provided in Section 383.3(c) of  
14 Subpart A of Part 383 of Title 49 of the Code of Federal  
15 Regulations when operating motor vehicles for military purposes.  
16 This exception shall not apply to United States Armed Forces  
17 reserve technicians.

18 *SEC. 5. Section 15302 of the Vehicle Code is amended to read:*

19 15302. (a) A driver shall not operate a commercial motor  
20 vehicle for the rest of his or her life if convicted of more than one  
21 violation of any of the following:

22 ~~(a)~~

23 (1) Subdivision (a), (b), or (c) of Section 23152 while operating  
24 a motor vehicle.

25 ~~(b)~~

26 (2) Subdivision (d) of Section 23152.

27 ~~(c)~~

28 (3) Subdivision (a) or (b) of Section 23153 while operating a  
29 motor vehicle.

30 ~~(d)~~

31 (4) Subdivision (d) of Section 23153.

32 ~~(e)~~

33 (5) Leaving the scene of an accident involving a motor vehicle  
34 operated by the driver.

35 ~~(f)~~

36 (6) Using a motor vehicle to commit a felony, other than a felony  
37 described in Section 15304.

38 ~~(g)~~

39 (7) Driving a commercial motor vehicle when the driver's  
40 commercial driver's license is revoked, suspended, or canceled

1 based on the driver's operation of a commercial motor vehicle or  
2 when the driver is disqualified from operating a commercial motor  
3 vehicle based on the driver's operation of a commercial motor  
4 vehicle.

5 ~~(h)~~

6 (8) Causing a fatality involving conduct defined pursuant to  
7 Section 191.5 of the Penal Code or in subdivision (c) of Section  
8 192 of the Penal Code.

9 ~~(i)~~

10 (9) While operating a motor vehicle, refuses to submit to, or  
11 fails to complete, a chemical test or tests in violation of Section  
12 23612.

13 ~~(j)~~

14 (10) A violation of Section 2800.1, 2800.2, or 2800.3 that  
15 involves a commercial motor vehicle.

16 ~~(k)~~

17 (11) Any combination of the above violations or a violation  
18 listed in paragraph (2) of subdivision (a) of Section 13350 or  
19 Section 13352 or 13357 that occurred while transporting a  
20 hazardous material.

21 *(b) (1) Except as provided in paragraph (2), in compliance*  
22 *with federal regulations, the department may reinstate a driver*  
23 *with a lifetime disqualification described in this section and*  
24 *subdivision (b) of Section 13353 after 10 years if that person has*  
25 *voluntarily entered and successfully completed an appropriate*  
26 *rehabilitation program approved by the state. Any person who has*  
27 *been reinstated in accordance with this provision and who is*  
28 *subsequently convicted of a disqualifying offence described in this*  
29 *section shall not be reinstated.*

30 *(2) Paragraph (1) does not apply to a driver who is convicted*  
31 *of a violation described in paragraph (8) of subdivision (a).*

32 *SEC. 6. Section 15309.5 is added to the Vehicle Code, to read:*  
33 *15309.5. (a) It is unlawful for any person to do any of the*  
34 *following:*

35 *(1) Sell, offer for sale, distribute, or use a crib sheet or cribbing*  
36 *device, as defined in Section 273, that contains answers to any*  
37 *examination administered by the department for a commercial*  
38 *driver's license or permit.*

39 *(2) Impersonate or allow the impersonation of an applicant for*  
40 *a commercial driver's license or permit for the purpose of*

1 *fraudulently qualifying the applicant for a commercial driver's*  
2 *license or permit.*

3 (3) *Provide, or use, any unauthorized assistance during any*  
4 *examination administered by the department for a commercial*  
5 *driver's license or permit.*

6 (b) *A first conviction under this section is punishable as either*  
7 *an infraction or a misdemeanor and the driver shall not operate*  
8 *a commercial motor vehicle for a period of one year. A second or*  
9 *subsequent conviction is punishable as a misdemeanor and the*  
10 *driver shall not operate a commercial motor vehicle for a period*  
11 *of one year.*

12 SEC. 7. *No reimbursement is required by this act pursuant to*  
13 *Section 6 of Article XIII B of the California Constitution because*  
14 *the only costs that may be incurred by a local agency or school*  
15 *district will be incurred because this act creates a new crime or*  
16 *infraction, eliminates a crime or infraction, or changes the penalty*  
17 *for a crime or infraction, within the meaning of Section 17556 of*  
18 *the Government Code, or changes the definition of a crime within*  
19 *the meaning of Section 6 of Article XIII B of the California*  
20 *Constitution.*

21 SECTION 1. ~~Section 21655.5 of the Vehicle Code is amended~~  
22 ~~to read:~~

23 ~~21655.5. (a) The Department of Transportation and local~~  
24 ~~authorities, with respect to highways under their respective~~  
25 ~~jurisdictions, may authorize or permit exclusive or preferential use~~  
26 ~~of highway lanes for high-occupancy vehicles. Before establishing~~  
27 ~~the lanes, competent engineering estimates shall be made of the~~  
28 ~~effect of the lanes on safety, congestion, and highway capacity.~~

29 ~~(b) The Department of Transportation and local authorities, with~~  
30 ~~respect to highways under their respective jurisdictions, shall place~~  
31 ~~and maintain, or cause to be placed and maintained, signs and other~~  
32 ~~official traffic control devices to designate the exclusive or~~  
33 ~~preferential lanes, to advise motorists of the applicable vehicle~~  
34 ~~occupancy levels, and, except where ramp metering and bypass~~  
35 ~~lanes are regulated with the activation of traffic signals, to advise~~  
36 ~~motorists of the hours of high-occupancy vehicle usage. A person~~  
37 ~~shall not drive a vehicle upon those lanes except in conformity~~  
38 ~~with the instructions imparted by the official traffic control devices.~~  
39 ~~A motorcycle, a mass transit vehicle, or a paratransit vehicle that~~  
40 ~~is clearly and identifiably marked on all sides of the vehicle with~~

1 the name of the paratransit provider may be operated upon those  
2 exclusive or preferential use lanes unless specifically prohibited  
3 by a traffic control device.

4 (e) ~~When responding to an existing emergency or breakdown~~  
5 ~~in which a mass transit vehicle is blocking an exclusive or~~  
6 ~~preferential use lane, a clearly marked mass transit vehicle, mass~~  
7 ~~transit supervisor's vehicle, or mass transit maintenance vehicle~~  
8 ~~that is responding to the emergency or breakdown may be operated~~  
9 ~~in the segment of the exclusive or preferential use lane being~~  
10 ~~blocked by the mass transit vehicle, regardless of the number of~~  
11 ~~persons in the vehicle responding to the emergency or breakdown,~~  
12 ~~if both vehicles are owned or operated by the same agency, and~~  
13 ~~that agency provides public mass transit services.~~

14 (d) ~~For purposes of this section, "paratransit vehicle" is defined~~  
15 ~~in Section 462.~~

16 (e) ~~For purposes of this section, "mass transit vehicle" means~~  
17 ~~a transit bus regularly used to transport paying passengers in mass~~  
18 ~~transit service.~~

19 (f) ~~It is the intent of the Legislature, in amending this section,~~  
20 ~~to stimulate and encourage the development of ways and means~~  
21 ~~of relieving traffic congestion on California highways and, at the~~  
22 ~~same time, to encourage individual citizens to pool their vehicular~~  
23 ~~resources and thereby conserve fuel and lessen emission of air~~  
24 ~~pollutants.~~

25 (g) ~~The provisions of this section regarding mass transit vehicles~~  
26 ~~and paratransit vehicles shall only apply if the Director of~~  
27 ~~Transportation determines that the application will not subject the~~  
28 ~~state to a reduction in the amount of federal aid for highways.~~